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**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

Issued by the Department of Transportation on August 6, 2002

**NOTICE OF ACTION TAKEN -- DOCKET OST-2002-96-1402- //**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **DELTA AIR LINES, INC** filed **8/02/02** for:

**XX** : Allocation of one U.S.-Ukraine weekly frequency in order to expand its third-country code-share services with Air France.

Under Annex 1 of the U.S.-Ukraine aviation agreement, there are a total of 18 weekly roundtrip frequencies for combination services available for distribution. Currently, a total of 12 frequencies are allocated as follows: Delta (2.5 frequencies), Northwest (3.5 frequencies), United (3.5 frequencies) and American (2.5). Thus, there are 6 remaining frequencies currently unallocated.<sup>1</sup>

Upon allocation of one additional frequency to Delta, 5 frequencies will remain unallocated.

Applicant rep: **Robert E. Cohn, (202) 663-8060** DOT Analyst: **Keith A Glatz, (202) 366-3260**

**DISPOSITION**

**XX** Granted, subject to conditions (see below)

The above action was effective when taken: August 6, 2002, and will remain in effect indefinitely.

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

**XX** The authority granted is consistent with the overall state of aviation relations between the United States and Ukraine.<sup>2</sup>

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** Holder's certificates of public convenience and necessity

**Condition**

The frequency allocation is subject to the condition that if the frequency is not used for a period of 90 days, the allocation as to that frequency will expire automatically and the unused frequency will revert to the Department for reallocation. The dormancy condition will begin on the date of this notice.

<sup>1</sup> Under Annex 1 of the U.S.-Ukraine bilateral agreement, frequencies used to provide third-country code-share service count as one-half of a frequency.

<sup>2</sup> Aviation relations between the United States and Ukraine are governed by a bilateral aviation agreement. However, the Annexes to the Agreement, which serve as the basis of authority sought here, expired on December 31, 2001. While the Annexes have yet to be formally extended, both parties have been continuing to observe their provisions on a comity and reciprocity basis.

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**Remarks**

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy and (2) grant of the authority was consistent with the public interest.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*